As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FOOD QUALITY INDICATOR DEVICE** 

The	spec	ifica	tion	of v	which	h
	Spec	11100	11011	OI 1	TILLO:	

2	 10	atta	cha	<i>A</i> 1	201	·ata
а.	 1.3	alla		u		CIU

b. was filed on July 16, 1998 as application Serial No. 09/116,152 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. M no such applications have been filed.

b. such applications have been filed as follows:

time.	FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119				
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)		
	ALL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	APPLICATION(S)		
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)		

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35. United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)		
60/052,674	16 July 1997		

Power of Attorney: As a named inventoriereby appoint the following attorney(s) and gent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

James C. Haight, 25,588; Gloria H. Richmond, 30,416; Robert Benson, 33,612; Jack Spiegel, 34,477; Susan S. Rucker, 35,762; David R. Sadowski, 32,808; Laurence J. Hyman, 35,551; Steven M. Ferguson, 38,448; John Peter Kim, 38,514; Stephen L. Finley, 36,357; and Larry M. Tiffany, 40,844.

all of the Office of Technology Transfer, National Institutes of Health, Rockville, Maryland; with an Associate Power of Attorney to:

Brian H. Batzli, 32,960; Charles Berman, 29,249; Bruce E. Black, 41,622; Steven C. Bruess, 34,130; Charles G. Carter, 35,093; James R. Chiapetta, 39,634; Ronald A. Daignault, 25,968; Dennis R. Daley, 34,994; Mark J. DiPietro, 28,707; Michael B. Farber, 32,612; Alan G. Gorman, 38,472; John J. Gresens, 33,112; Randall A. Hillson, 31,838; Denise M. Kettelberger, 33,924; Alan W. Kowalchyk, 31,535; Douglas P. Mueller, 30,300; Albin J. Nelson, 28,650; John C. Reich, 37,703; John P. Sumner, 29,114; and David K. Tellekson, 32,314.

SEND CORRESPONDENCE TO:		DIRECT TELEPHONE CALLS TO:		
Merchant, Gould, Smith, Edell,		Bruce E. Black		
14	Welter & Schmidt, P.A.		(612) 371-5348	
13	0 Norwest Cent			
3	South Seventh			
Mi	nneapolis, MN	55402 - 4131		
2	Full Name	Family Name	First Given Name	Second Given Name
	Of Inventor	MILLER	DWIGHT	w.
0	Residence	City	State or Foreign Country	Country of Citizenship
	& Citizenship	PINE BLUFF	ARKANSAS	USA
1	Post Office	Post Office Address	City	State & Zip Code/Country
	Address	2901 DAN ROAD	PINE BLUFF	ARKANSAS 71602/USA
I he	reby declare tha	at all statements made herein of my own knowledge.	edge are true and that all stat	ements made on information and belief
аге	believed to be to	rue; and further that these statements were mad	le with the knowledge that w	illful false statements and the like so
mac	le are punishable	e by fine or imprisonment, or both, under Sect	ion 1001 of Title 18 of the U	nited States Code and that such willful
fals	e statements ma	y jeopardize the validity of the application or a	ny patent issued thereon.	
Sign	ature of Inventor 2	201	Da	ate: /// //
		Lought Mill		14/Octor 1/98
2	Full Name	Family Name	First Given Name	Second Given Name
	Of Inventor	WILKES	JON	G.
0	Residence	City	State or Foreign Country	Country of Citizenship
	& Citizenship	LITTLE ROCK	ARKANSAS	USA
2	Post Office	Post Office Address	City	State & Zip Code/Country
	Address	621 CUMBERLAND #1	LITTLE ROCK	ARKANSAS 72207/USA
I he	reby declare tha	at all statements made herein of my own knowl	edge are true and that all stat	ements made on information and belief
are	believed to be to	rue; and further that these statements were mad	le with the knowledge that w	illful false statements and the like so
mad	le are punishable	e by fine or imprisonment, or both, under Sect	ion 1001 of Title 18 of the U	nited States Code and that such willful
fals	e statements ma	y jeopardize the validity of the application or a	ny patent issued thereon.	
Sign	ature of Inventor 2	202:	Da	ate: Ortobar 7 Kal

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	CONTE	ERIC	D.
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	BOWLING GREEN	KENTUCKY	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	1080 ST. ANDREWS CIRCLE	BOWLING GREEN	KENTUCKY 42103/USA
	Of Inventor Residence & Citizenship Post Office	Of Inventor CONTE  Residence City & Citizenship BOWLING GREEN  Post Office Post Office Address	Of Inventor CONTE ERIC  Residence City State or Foreign Country & Citizenship BOWLING GREEN KENTUCKY  Post Office Post Office Address City

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 203:

Date: 1998

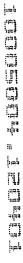
## § 1.56 Duty to disclose information material to patentability.

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.





- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.